

United States Court of Appeals
for the Fifth Circuit

FILED

May 24, 2023

KAREN MITCHELL
CLERK, U.S. DISTRICT
COURT

No. 23-10319

WILLIAM T. MOCK; CHRISTOPHER LEWIS; FIREARMS POLICY
COALITION, INCORPORATED, *a nonprofit corporation*; MAXIM
DEFENSE INDUSTRIES, L.L.C.,

Plaintiffs—Appellants,

versus

MERRICK GARLAND, *U.S. Attorney General, in his official capacity as
Attorney General of the United States*; UNITED STATES DEPARTMENT
OF JUSTICE; BUREAU OF ALCOHOL, TOBACCO, FIREARMS, and
EXPLOSIVES; STEVEN DETTELBACH, *in his official capacity as the
Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives,*

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CV-95

UNPUBLISHED ORDER

Before HAYNES,¹ ENGELHARDT, and OLDHAM, *Circuit Judges.*

¹ JUDGE HAYNES concurs only in part: she concurs in the order of an expedited appeal. With respect to the request for a preliminary injunction pending appeal, as a member of the motions panel, she would grant an administrative stay to the plaintiffs in this case as to the

PER CURIAM:

IT IS ORDERED that the appeal is EXPEDITED to the next available Oral Argument Calendar.

IT IS FURTHER ORDERED that Appellants' Opposed Motion For a Preliminary Injunction Pending Appeal is GRANTED as to the Plaintiffs in this case. *See* FED. R. APP. P. 8; *Nken v. Holder*, 556 U.S. 418 (2009).

challenged Final Rule for a brief period of time and defer the question of the injunction pending appeal to the oral argument merits panel which receives this case.